

DOCKET FILE COPY ORIGINAL
RECEIVED

JUL 15 1996

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Implementation of the)
Pay Telephone Reclassification)
and Compensation Provisions of the)
Telecommunications Act of 1996)

CC Docket No. 96-128

REPLY COMMENTS OF
THE ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT
OF SMALL TELECOMMUNICATIONS COMPANIES

July 15, 1996

No. of Copies rec'd
List A B C D E

CH/K

SUMMARY

OPASTCO agrees with the comments of the National Telephone Cooperative Association (NTCA) on the following points: (1) Small LECs should not be required to modify their switches in order to provide local coin transmission services; (2) to the extent that states decide to mandate public payphones, they should be the ones to administer and fund their provision; and, (3) if the FCC decides to adopt a national program for public payphones, it should be funded through a mechanism separate from the universal service fund.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

RECEIVED

JUL 15 1996

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

In the Matter of)
)
Implementation of the)
Pay Telephone Reclassification)
and Compensation Provisions of the)
Telecommunications Act of 1996)

CC Docket No. 96-128

**REPLY COMMENTS OF
THE ORGANIZATION FOR THE PROMOTION AND
ADVANCEMENT OF SMALL TELECOMMUNICATIONS COMPANIES**

I. INTRODUCTION

On June 6, 1996, the Federal Communications Commission (FCC or Commission) released a Notice of Proposed Rulemaking in the above-captioned proceeding.¹ In this proceeding, the FCC is undertaking the effort to implement the provisions of the Telecommunications Act of 1996,² which directs it to reform rules relating to pay telephone reclassification and compensation.

OPASTCO is a national trade association of more than 465 independently owned and operated telephone companies serving rural areas of the United States. Its members, which include both commercial companies and cooperatives, together serve over two million

¹In the Matter of Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Notice of Proposed Rulemaking, FCC 96-254, (June 6 1996). (Notice, NPRM)

²Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (1996). (1996 Act. the Act)

customers. Many OPASTCO member companies are payphone providers. Accordingly, it has an interest in the outcome of this proceeding.

II. COMMENTS

The FCC has proposed that incumbent LECs must provide to payphone service providers all functionalities used in the LECs' delivery of payphone services. This would include central office coin services such as coin recognition and answer detection. These services, it is suggested in the NPRM, should be provided under a public, tariffed offering whether or not the LECs themselves provide payphone service.³

Every small LEC is not necessarily equipped to provide all local coin transmission services. And, as NTCA points out, they would function under a post-pay procedure.⁴ As such, their central offices may not be able to provide pre-pay services. OPASTCO agrees with NTCA that small LECs should not be forced to make significant investments in switch upgrades if required to offer central office coin services under a tariffed offering.

The 1996 Act contemplates that the FCC shall determine whether public interest payphones should be maintained and, if so, ensure that they are supported fairly and equitably.⁵ OPASTCO agrees with NTCA that if states mandate public interest payphones, the states should establish, administer, and fund such public payphone provision.⁶ OPASTCO also concurs with NTCA that if the Commission chooses to adopt a national program, it should fund it through a

³Notice at para. 45.

⁴NTCA comments at 5.

⁵47 U.S.C. §276(b)(2).

⁶NTCA comments at 7.

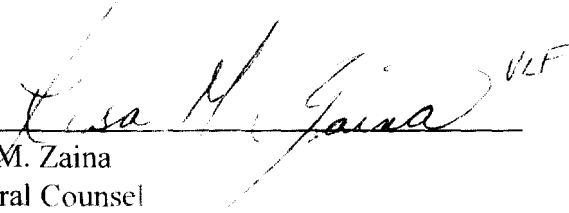
mechanism that is separate from the universal service fund.⁷

III. CONCLUSION

By heeding the recommendations above, the Commission can begin to successfully implement the requirements of the 1996 Act and serve the public interest with regard to payphones at a minimal burden to small telephone companies.

Respectfully submitted,

**ORGANIZATION FOR THE
PROMOTION AND ADVANCEMENT OF
SMALL TELECOMMUNICATIONS COMPANIES**

By:  VLF
Lisa M. Zaina
General Counsel

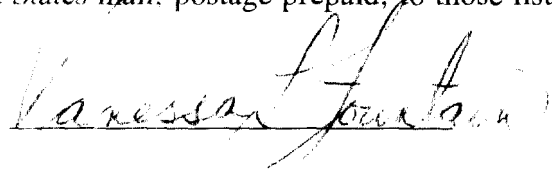
OPASTCO
21 Dupont Circle NW
Suite 700
Washington, DC 20036
(202) 659-5990

July 15, 1996

⁷Id.

CERTIFICATE OF SERVICE

I, Vanessa L. Fountain, hereby certify that a copy of OPASTCO's comments was sent on this, the 15th day of July, 1996 by first class United States mail, postage prepaid, to those listed on the attached sheet.

A handwritten signature in cursive script, reading "Vanessa L. Fountain", written over a horizontal line.

Vanessa L. Fountain

SERVICE LIST
CC Docket No. 96-128

Common Carrier Bureau
Enforcement Division
Room 6008
2025 M Street NW
Washington, DC 20554
(2 copies hand delivered)

Dave Cosson, Esq.
National Telephone Cooperative Association
2626 Pennsylvania Avenue NW
Washington, DC 20037

ITS, Inc.
2100 M Street NW
Suite 140
Washington, DC 20037